

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 20956**

Application 30574 of Lou Oneal

96 North Third Street, San Jose, CA 95112

filed on September 16, 1996, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) (2) (B) (D) Unnamed Stream

Isabel Creek thence

Arroyo Creek thence

Arroyo Hondo thence

Calaveras Creek thence

Alameda Creek

C) Isabel Creek

Arroyo Creek

| 2. Location of point of diversion:                          | 40-acre subdivision of public land survey or projection thereof | Section * | Township | Range | Base and Meridian |
|---|---|-----------|----------|-------|-------------------|
| By California Coordinate System, Zone 2                     |   |           |          |       |                   |
| Isabel Lake 1<br>North 299,300 feet and East 1,697,500 feet | NW $\frac{1}{4}$ of NE $\frac{1}{4}$                            | 21        | 7S       | 4E    | MD                |
| Isabel Lake 2<br>North 302,750 feet and East 1,700,250 feet | SW $\frac{1}{4}$ of NW $\frac{1}{4}$                            | 15        | 7S       | 4E    | MD                |
| Pond B<br>North 296,600 feet and East 1,697,600 feet        | NW $\frac{1}{4}$ of SE $\frac{1}{4}$                            | 21        | 7S       | 4E    | MD                |

|   |                                      |    |    |    |    |
|---|--------------------------------------|----|----|----|----|
| Pond C<br>North 296,400 feet and East<br>1,696,500 feet | NW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 21 | 7S | 4E | MD |
| Pond D<br>North 292,750 feet and East<br>1,703,600 feet | SW $\frac{1}{4}$ of NE $\frac{1}{4}$ | 27 | 7S | 4E | MD |

County of Santa Clara

| 3. Purpose of use:                                 | 4. Place of use:   | Section | Township | Range | Base and Meridian | Acres |
|--|--|---------|----------|-------|-------------------|-------|
| Recreational                                       |  |         |          |       |                   |       |
| Fish and Wildlife<br>Protection and<br>Enhancement |  |         |          |       |                   |       |
| Stockwatering                                      | at reservior site  |         |          |       |                   |       |
|  | Isabel Lake 1<br>within W $\frac{1}{2}$ of NE $\frac{1}{4}$  | 21      | 7S       | 4E    | MD                |       |
|  | and SE $\frac{1}{4}$ of NE $\frac{1}{4}$                     | 21      | 7S       | 4E    | MD                |       |
|  | Isabel Lake 2<br>within SW $\frac{1}{2}$ of NW $\frac{1}{4}$ | 15      | 7s       | 4E    | MD                |       |
|  | and NW $\frac{1}{2}$ of SW $\frac{1}{4}$                     | 15      | 7S       | 4E    | MD                |       |
|  | Pond B<br>within NE $\frac{1}{4}$ of SW $\frac{1}{4}$        | 21      | 7S       | 4E    | MD                |       |
|  | and NW $\frac{1}{4}$ of SE $\frac{1}{4}$                     | 21      | 7S       | 4E    | MD                |       |
|  | Pond C<br>within NE $\frac{1}{4}$ of SW $\frac{1}{4}$        | 21      | 7S       | 4E    | MD                |       |
|  | and SE $\frac{1}{4}$ of SW $\frac{1}{4}$                     | 21      | 7S       | 4E    | MD                |       |
|  | Pond D<br>within SW $\frac{1}{4}$ of NE $\frac{1}{4}$        | 27      | 7S       | 4E    | MD                |       |
|  | and SE $\frac{1}{4}$ of NE $\frac{1}{4}$                     | 27      | 7S       | 4E    | MD                |       |
|  | and NE $\frac{1}{4}$ of SE $\frac{1}{4}$                     | 27      | 7S       | 4E    | MD                |       |

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 330.5 acre-feet per annum to be collected from October 15 of each year to May 1 of the succeeding year as follows: 130 acre-feet per annum in Isabel Lake 1, and 101 acre-feet per annum in Isabel Lake 2, 45 acre-feet per annum in Pond B, 9.5 acre-feet per annum in Pond C, and 45 acre-feet per annum in Pond D.

(0000005)

6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)
7. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
8. Complete application of the water to the authorized use shall be made by December 31, 2006. (0000009)
9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)
12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified

pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been presceibed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

(0000041)

14. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing.

(0000042)

15. Permittee, when required by the State Water Resources Control Board, shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or cerfification by a registered Civil or Agricultural Engineer.

(0050044)

16. If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, stoarge of water under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048)

17. Inaccordance with the requirements of Water Code Section 1393, permittee shall clear the site of Isabel Lake 1 and Isabel Lake 2 of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

*Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.*

*Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.*

*Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).*

Dated: **MARCH 3 1998**

STATE WATER RESOURCES CONTROL BOARD

*Roger Phum*  
for Chief, Division of Water Rights

4/14/98 Aggd. to Isabel Valley Ranch Partnership